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Barnes & Thornburg  
600 One Summit Square  
Fort Wayne, IN 46802

EXAMINER
OUELLETTE, JONATHAN P

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**GROUP 3600**

**BEFORE THE BOARD OF PATENT APPEALS  
AND INTERFERENCES**

Application Number: 09/810,304  
Filing Date: March 16, 2001  
Appellant(s): DETORE ET AL.

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Bobby B. Gillenwater  
Reg. No. 31,105  
For Appellant

**EXAMINER'S ANSWER**

This is in response to the appeal brief filed 6/19/2006 appealing from the Office action mailed 10/28/2005.

**(1) Real Party in Interest**

A statement identifying by name the real party in interest is contained in the brief.

**(2) Related Appeals and Interferences**

The examiner is not aware of any related appeals, interferences, or judicial proceedings which will directly affect or be directly affected by or have a bearing on the Board's decision in the pending appeal.

**(3) Status of Claims**

The statement of the status of the claims contained in the brief is correct.

**(4) Status of Amendments After Final**

The appellant's statement of the status of amendments after final rejection contained in the brief is correct.

**(5) Summary of Claimed Subject Matter**

The summary of claimed subject matter contained in the brief is correct.

**(6) Grounds of Rejection to be Reviewed on Appeal**

The appellant's statement of the grounds of rejection to be reviewed on appeal is correct.

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**(7) Claims Appendix**

The copy of the appealed claims contained in the Appendix to the brief is correct.

**(8) Evidence Relied Upon**

No evidence is relied upon by the examiner in the rejection of the claims under appeal.

**(9) Grounds of Rejection**

The following ground(s) of rejection are applicable to the appealed claims:

***Claim Rejections - 35 USC § 102***

1. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

2. **Claims 19-32 are rejected under 35 U.S.C. 102(e) as being anticipated by Asplen, JR. (US 6,044,354).**
3. As per **independent Claim 19**, Asplen discloses a method of structuring contents of an unstructured domain (body of knowledge – company ideas) so as to impart value to the domain (launch a product based on the idea), comprising the steps of: identifying a plurality of elements of information associated with an

unstructured domain (ideas and information about ideas are entered into the system, C2 L45-65); developing an initial domain model for utilizing the plurality of elements of information associated with the domain to create value (C3 L10-27, idea assessment/screening – idea is evaluated according to a predetermined criteria, to include how the idea/product relates to the organization's strategies); developing an estimate of costs associated with developing a knowledge map cataloging and describing at least some of said elements of information associated with the domain, and developing an estimate of the value of said knowledge map (C3 L49-67, C4 L1-13, opportunity assessment – determining if there is a reasonable opportunity for success with the idea/product, to include collecting detailed information regarding the product, strategic integration information, and completing a financial analysis on the product); comparing the estimates of costs and value and, based on said comparison (determination to go forward with product), performing at least one of the steps of: storing and maintaining said model and said plurality of elements of information; and developing and storing the knowledge map (idea/product information) so as to add structure and impart value to said domain (C4-C5, Developing the Business Plan).

4. As per Claim 20, Asplen discloses wherein the step of developing an initial domain model comprises *at least one of the steps* of defining an *organizational scope*, defining a content scope, defining a process scope, and defining economic factors relating to the domain (C3 L10-27, idea assessment/screening

- idea is evaluated according to a predetermined criteria, to include how the idea/product relates to the organization's strategies).
- 5. As per Claim 21, Asplen discloses wherein the step of defining the organizational scope comprises the step of identifying elements of an organization affected by one or more of the plurality of elements of information associated with the domain (C3 L10-27, idea assessment/screening – idea is evaluated according to a predetermined criteria, to include how the idea/product relates to the organization's strategies).
- 6. As per Claim 22, Asplen discloses wherein the step of defining the content scope comprises the step of identifying at least some of the plurality of elements of information as one of explicit content (actual product) and implicit content (product idea) (C3 L10-27, idea assessment/screening – idea is evaluated according to a predetermined criteria, to include how the idea/product relates to the organization's strategies (implicit content), and how it relates to other products within the organization and the like (explicit content)
- 7. Furthermore, Claim 22 is moot if the step of defining content scope is not selected in Claim 20; Asplen discloses defining organizational scope.
- 8. As per Claim 23, Asplen discloses wherein the step of identifying at least some of the plurality of elements as explicit content further comprises identifying at least some of said elements of information as at least one of online information and offline information (Claim 23 is moot if the step of defining content scope is not selected in Claim 20; Asplen discloses defining organizational scope).

9. As per Claim 24, Asplen discloses wherein the step of defining a process scope comprises the step of identifying a business process that can be improved by structuring contents of the unstructured domain (Claim 24 is moot if the step of defining process scope is not selected in Claim 20; Asplen discloses defining organizational scope).
10. As per Claim 25, Asplen discloses wherein the step of defining economic factors includes at least one of the steps of identifying costs associated with identifying and gathering at least some of the plurality of elements of information associated with the domain, identifying costs associated with detecting errors and taking actions to avoid and correct errors, identifying communication costs, and identifying costs associated with maintaining the plurality of elements of information (Claim 25 is moot if the step of defining economic factors is not selected in Claim 20; Asplen discloses defining organizational scope).
11. As per Claim 26, Asplen discloses wherein the step of defining economic factors further comprises developing an economic model for use in developing the estimates of costs and value associated with developing the knowledge map (Claim 26 is moot if the step of defining economic factors is not selected in Claim 20; Asplen discloses defining organizational scope).
12. As per Claim 27, Asplen discloses developing an estimate of costs with developing a knowledge clearing house (Figs.2-5, system for handling idea submission/assessment, and eventual business plan) (C4 L1-13, financial analysis of product/idea), which provides centralized access to online elements

of information associated with the domain and a cataloging of offline elements of information associated with the domain (maintaining idea information – internal assessment, comparison to external products), and developing an estimate of the value of said knowledge clearing house (C4 L1-13, financial analysis of product/idea); comparing the estimates of costs and value developed in connection with the knowledge clearing house and based on said comparison (determine whether to cancel, hold, or go forward with the product), *performing at least one of the steps of:* storing and maintaining the model, said plurality of elements of information (developing business plan information based on the product/idea), and said knowledge map; and developing and storing the knowledge clearing house so as to add structure and impart value to said domain (C4-C5, Developing the Detailed Business Plan).

13. As per Claim 28, Asplen discloses wherein the step of determining an estimate of the value of said knowledge clearinghouse comprises the step of creating a model for determining how additional value will be created by structuring the domain beyond the knowledge map (C4 L1-13, financial analysis: multi-year revenue, capital and expense with organization criteria for margins, *rates of return*, economic value added and break-even year).

14. As per Claim 29, Asplen discloses wherein said knowledge clearing house provides direct access to explicit content of the domain (Figs.2-5, analysis information).



15. As per Claim 30, Asplen discloses wherein said knowledge clearing house comprises offline content, software components, and online content (C2 L1-22, database information, TURBOPLAN application, Internet access).
16. As per Claim 31, Asplen discloses developing an estimate of costs associated with developing a knowledge network and developing an estimate of the value of said knowledge network (C4 L1-13, financial analysis of product/idea); comparing the estimates of costs and value developed in connection with the knowledge network (determine whether to cancel, hold, or go forward with the product) and based upon said comparison, performing *at least one of the steps* of: storing and maintaining the model, said plurality of elements of information, said knowledge map and said knowledge clearing house (developing business plan information based on the product/idea); and developing and storing the knowledge network so as to add structure and impart value to said domain (C4-C5, Developing the Detailed Business Plan).
17. As per Claim 32, Asplen discloses wherein said knowledge network comprises a software component for providing mediated access to and managing collaboration with experts, and for providing meeting management tools (Figs.2-5, C2 L1-21, TURBOPLAN).

#### **(10) Response to Argument**

1. As per **independent Claim 19**, the Appellant makes the argument that the prior art fails to disclose a method for structuring the contents of the domain,

developing an initial domain model, developing an estimate of costs associated with developing a knowledge map cataloging and describing at least some of the elements associated with the domain, and developing an estimate of the value of the knowledge map, comparing such estimates and, based on such comparison, performing ***at least one of the steps*** of storing and maintaining the model and elements of information, and developing and storing the knowledge map so as to add structure and impart value to the domain.

2. However, Asplen discloses a system for developing product ideas (unstructured domain) into an actual product plan (structured domain) (C3-C5).
3. Asplen also discloses performing an idea assessment, which includes evaluating the idea according to predetermined criteria, to include how the idea/product relates to the organization's strategies (C3 L10-27, initial domain model).
4. Furthermore, Asplen discloses a system for analyzing and developing company ideas (developing estimates of costs) into business products and plans (knowledge map or clearing house), which would cover the broad language/teachings used by the applicant (C4 L1-13, financial analysis).
5. Finally, Asplen discloses analyzing multiple aspects of the potential idea (costs vs. value) and developing a full business plan/product development (structure) for the idea (C4-C5)
6. As per dependent Claims 20, 21, and 27-32, the Appellant has stated that the prior art of Asplen does not disclose the steps/elements as claimed. The

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Examiner has outlined where Asplen discloses the elements for claims 20-32 in the rejection above.

7. As per dependent Claims 22-26, the arguments made by the Appellant are moot, as the claims include an element/elements not selected in Claim 20 (see rejection notes above).

**(11) Related Proceeding(s) Appendix**

No decision rendered by a court or the Board is identified by the Examiner in the Related Appeals and Interferences section of this examiner's answer.

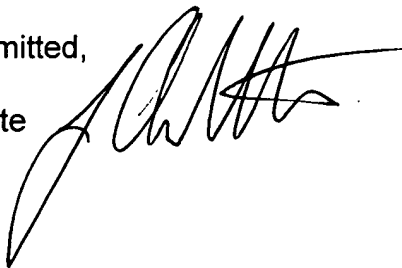
The Appellant has failed to include a Related Proceeding(s) Appendix or indicate any related Proceeding(s); therefore, the Examiner will assume the Appellant does not know of any related decisions rendered by a court or the Board.

For the above reasons, it is believed that the rejections should be sustained.

Respectfully submitted,

Jonathan Ouellette

August 28, 2006

A handwritten signature in black ink, appearing to read 'Jonathan Ouellette', is written over the typed name and date.

Conferees:

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John Weiss

Janice Mooneyham

*[Handwritten signature]* 8-30-06  
*[Handwritten signature]* 8/31/06

Barnes & Thornburg LLP  
600 One Summit Square  
Fort Wayne, Indiana 46802